

JS 44C/SDNY  
REV. 2/2016

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
Nationstar Mortgage LLCDEFENDANTS  
John Schmitt a/k/a John C. Schmitt; Jill Schmitt a/k/a Jill M. Schmitt; GE Money Bank, JOHN DOEATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
SHAPIRO, DICARO & BARAK, LLC  
175 Mile Crossing Boulevard  
Rochester, New York 14624  
(585) 247-9000

+

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S. Code 1332 - Diversity, Defendant has default on mortgage in the amount of \$270,000.00

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time?  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No  Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

	TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 881	[ ] 400 STATE REAPPORTIONMENT
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 410 ANTITRUST
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	INJURY PRODUCT LIABILITY		[ ] 430 BANKS & BANKING
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	PERSONAL PROPERTY		[ ] 450 COMMERCE
[ ] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS	[ ] 460 DEPORTATION
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 830 PATENT	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY		[ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT
[ ] 190 OTHER CONTRACT	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE		[ ] 490 CABLE/SATELLITE TV
[ ] 195 CONTRACT PRODUCT LIABILITY	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE		
[ ] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRODUCT LIABILITY		
	CIVIL RIGHTS	PRISONER PETITIONS		
	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 463 ALIEN DETAINEE	LABOR	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)
		28 USC 2255	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIVC/DIWW (405(g))
			[ ] 740 RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI
				[ ] 865 RSI (405(g))
			FEDERAL TAX SUITS	
				[ ] 890 OTHER STATUTORY ACTIONS
				[ ] 891 AGRICULTURAL ACTS
<b>REAL PROPERTY</b>				
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION	[ ] 893 ENVIRONMENTAL MATTERS
[ ] 220 FORECLOSURE RENT LEASE & EJECTMENT	[ ] 442 EMPLOYMENT	[ ] 550 CIVIL RIGHTS	[ ] 462 NATURALIZATION APPLICATION	[ ] 895 FREEDOM OF INFORMATION ACT
[ ] 230 TORTS TO LAND	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 896 ARBITRATION
[ ] 240 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[ ] 465 OTHER IMMIGRATION ACTIONS	[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION			[ ] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE: \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |  |   |  |
|---|---|---|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court  | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
|   |   | <input type="checkbox"/> a. all parties represented       |   |  |   |  |
|   |   | <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [x] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [x] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

8950 Cypress Waters Blvd, Coppell, Texas 75019, Dallas County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

John Schmitt a/k/a John C. Schmitt, 213 Cardinal Drive, Montgomery, NY 12549 Orange County

Jill Schmitt a/k/a Jill M. Schmitt, 213 Cardinal Drive, Montgomery, NY 12549 Orange County

GE Money Bank, 170 Election Road, Suite 125, Draper, UT 84020 Salt Lake County

## DEFENDANT(S) ADDRESS UNKNOWN

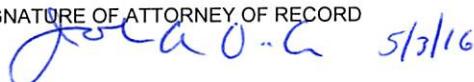
REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS     MANHATTAN

(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[x] YES (DATE ADMITTED Mo. March Yr. 1998)  
Attorney Bar Code # JD7832

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)